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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/489,876 01/20/00 BISHEL

R B1000

EXAMINER

MM91/0320

Richard A Bishel
16020 NW Ridgetop Lane
Beaverton OR 97006

RILEY, S ART UNIT	PAPER NUMBER
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2838
DATE MAILED:

03/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/489,876

Applicant(s)

BISHEL, RICHARD A.

Examiner

Shawn Riley

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION***Response to Amendments and Remarks***

Applicant's remarks and amendments of 21 February 2001 have been carefully reviewed but not deemed persuasive. Applicant has by amendment canceled claims 1-10 and added new claims 11-20.

Applicant recites in at least claims 14, 15, and 16 that the instant invention derives its dc power from the ac power 'flowing' every half or full cycle. This is much different (specifically much more broad) than what applicant argues. Applicant argues that the claims recite that the instant invention takes "a portion of the phase of each individual cycle" (i.e., cycle steal). While the examiner agrees that the invention 'cycle steals'¹ so to do the recited prior arts. Claim 12 is a little more specific in that it recites the power conversion means operates to provide "a source of DC current" from a portion of the beginning of each half-cycle². Claims 17-20 make **no mention** of a source of dc for the controller at all. Therefore this is an unsatisfying or convincing argument.

As to the remarks of the inadequacies of the prior art, applicant's attention is drawn to the following. Vis a vis Bensousan, Bensousan is seen to 'cycle steal' via at least the rectifier 30 and capacitance (31) resistance connected to the regulator (see, e.g., column 5 lines 8-20.)

As to Weber's microcontroller, it is charged in a similar manner to applicant's. Whether the gate current to the thyristor is enabled by a pulse and disabled by a back pulse (i.e., shunting see figure 10), this reads on applicant's claim. That is one signal output for the commutation of the thyristor and another signal output to stop commutation.

¹ (simply the invention uses power that pushes through the, e.g., .7 volt inherent forward bias voltage of a rectifier in conjunction with a capacitor connected to the cathode of the rectifier to provide a changing input reference voltage which forces the rectifier to become forward biased at least in part on the current state of charge of the capacitor)

² Which is also anticipated by the prior art for the exact same reason as in the previous footnote.

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As to Pearlman, applicant statement that the claims are written to expressly state "the functions are within the single lead"³ is not well taken or found within any of the independent claims. Further, if anything, Pearlman looks to be a one-sided and using a single lead. A similar statement can be made for Simmons.

For at least the above reasons, this rejection has been maintained and made final.

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-20 are rejected under 35 U.S.C. §102(b) as being fully anticipated by Bensoussan et al. (U.S. Patent 5,025,134), , Pearlman et al. (U.S. Patent 4,649,323), Simmons (U.S. Patent 5,481,452) and Weber (U.S. Patent 4,878,010). Bensoussan et al., Pearlman et al, Simmons, and Weber show, an apparatus for selectively energizing an AC electrical load comprising a gate-enabled thyristor alternating between on and off, dc power derived from the ac supply, zero voltage detector and a microcontroller, all of which are presumably mountable since they are light controllers.

³ Only in claims 11 and 15 did applicant recite the use deriving power (dc) from one side of an ac power circuit. Unfortunately, this was in the preamble and not drawn into the body of the claim to breathe life into this limitation

Allowable Subject Matter


3. No claims are allowable over the prior art of record.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Riley whose telephone number is 703.305.3487. The Examiner can normally be reached Monday through Thursday from 7:30-6:00 p.m. Eastern Standard Time. The fax phone number for this Group is 703.305.7731 or 7732. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703.308.1782.


Shawn Riley
Primary Examiner

and therefore was given no patentable weight.